

Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§18–216.

(a) It is an unfair labor practice for the Commission or an employee organization certified as an exclusive representative of a bargaining unit to violate the rights of a Commission employee under this subtitle.

(b) Within 30 business days after the alleged violation, the party charging an unfair labor practice shall submit the charge in writing to the labor relations administrator and the party alleged to have committed the unfair labor practice.

(c) Within 15 business days after an unfair labor practice charge is submitted, the Commission and the employee organization shall request the labor relations administrator to hold a hearing and decide whether an unfair labor practice has occurred.

(d) The labor relations administrator shall:

(1) conduct the hearing;

(2) issue a finding of facts and conclusion of law;

(3) order the party found to have committed the unfair labor practice to cease and desist from the prohibited practice; and

(4) order all relief necessary to remedy the violation of this subtitle and otherwise to make whole any injured employee or employee organization or the Commission, if injured, including reinstatement, restitution, back pay, or other remedy needed to restore the employee, the employee organization, or the Commission to the position or condition it would have been in but for the violation.

(e) The labor relations administrator may not order punitive damages, consequential damages, damages for emotional distress, pain, and suffering, or attorney's fees for purposes of satisfying the requirements of subsection (d)(4) of this section.

(f) If the labor relations administrator finds that the party charged has not committed an unfair labor practice, the labor relations administrator shall issue an order dismissing the charges.

(g) (1) Subject to paragraph (2) of this subsection, the labor relations administrator's decision is final.

(2) A party may seek judicial review of the decision on the basis that the decision is arbitrary, capricious, or exceeds the authority of the labor relations administrator.

(h) The Commission and the employee organization shall share equally the costs of any unfair labor practice proceeding.

(i) If the party found to have committed the unfair labor practice fails or refuses to comply with the labor relations administrator's decision in whole or in part, the charging party may file an action to enforce the order with the circuit court for the county in which any of the involved employees work.

[\[Previous\]](#)[\[Next\]](#)